

**IN THE
SUPREME COURT OF INDIANA**

SHANE W. KERVIN)	Supreme Court No. 79S00-0502-SJ-35
)	
vs.)	
)	
PROSECUTOR'S OFFICE)	Case No. 79D02-0410-PC12
TIPPECANOE COUNTY)	in the Tippecanoe Superior Court

ORDER REMANDING JURISDICTION TO TRIAL COURT

Comes now the Clerk of the Tippecanoe Superior Court, and pursuant to Ind.Trial Rule 53.1, certifies this matter here for the appointment of a special judge.

And this Court, being duly advised, now finds that jurisdiction of this matter should be remanded to the Tippecanoe Superior Court and Judge Thomas H. Busch. The Chronological Case Summary reveals that Judge Busch entered rulings on all pending motions before the petitioner filing his praecipe for withdrawal of the submission. Therefore, the praecipe for withdrawal of the submission was not filed timely and petitioner waived any delay.

IT IS, THEREFORE, ORDERED that jurisdiction of this matter should be remanded to the Tippecanoe Superior Court and Judge Busch.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Thomas H. Busch, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901, and to the Clerk of the Tippecanoe Superior Court.

The Clerk of the Tippecanoe Superior Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this _____ day of February, 2005.

Randall T. Shepard
Chief Justice of Indiana